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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/311,674 | 05/13/1999 | PENINA KATZ | WMA-96-015AA | 1540 |

25537 7590 09/21/2004

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EXAMINER

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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/311,674

Applicant(s)

KATZ, PENINA

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☒ Other: 37 CFR 81.105- Requirement for Information

DETAILED ACTION

1. This Non-Final Office action is responsive to Applicant's Appeal Brief filed June 16, 2004.

Some of Applicant's arguments are deemed to be persuasive; therefore, prosecution is being reopened.

Claims 1-29 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7, 14, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 7, 14, and 23 recite that the indicated origin of telephone calls is based on a cellular location; however, the only disclosure in the specification directed toward the use of a cellular location to indicate the origin of a telephone call is stated as follows:

The present invention further envisages that employees will call from cellular telephones. It is contemplated that future ANI protocols will include within the ANI data a portion designating the geographical location, i.e. "cell" from which the telephone call is originating. Such information will be used to determine the general geographical area from which a telephone call has been made and will serve a useful purpose in such fields as the trucking industry and the like. (Page 27 of the specification)

Applicant only describes the ability to determine the geographical location based on a cellular location as a "future" capability. Therefore, since one of ordinary skill in the art at the time of Applicant's invention still envisioned such a capability as a future advance in the art, Applicant's disclosure needs to provide sufficient details regarding how such a capability would be performed. Applicant does not describe this capability in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the invention recited in claims 7, 14, and 23.

5. Claims 7, 14, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 7, 14, and 23 recite that the indicated origin of telephone calls is based on a cellular location; however, the only disclosure in the specification directed toward the use of a cellular location to indicate the origin of a telephone call is stated as follows:

The present invention further envisages that employees will call from cellular telephones. It is contemplated that future ANI protocols will include within the ANI data a portion designating the geographical location, i.e. "cell" from which the telephone call is originating. Such information will be used to determine the general geographical area from which a telephone call has been made and will serve a useful purpose in such fields as the trucking industry and the like. (Page 27 of the specification)

Applicant only describes the ability to determine the geographical location based on a cellular location as a "future" capability. Therefore, since one of ordinary skill in the art at the time of Applicant's invention still envisioned such a capability as a future advance in the art, Applicant's disclosure needs to provide sufficient details regarding how such a capability would be performed. Consequently, claims 7, 14, and 23 are directed toward subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Please note that, in light of the rejections of claims 7, 14, and 23 under 35 U.S.C. § 112, 1st paragraph, the Examiner will not apply prior art to these claims at present.

ART REJECTION #1

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 9, 15, 17-20, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (U.S. Patent No. 4,839,917).

Oliver discloses a computer software product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an applications program to execute on a computer, said computer readable program code means comprising:

[Claim 1] a computer readable program code means for enabling said computer to detect data that indicates the origin of telephone calls received by said computer from calling telephones located at various sites (col. 13, lines 10-21 -- "...his location is recorded at the monitor station...This is done by this system...In its normal use, covered personnel merely dial in their PIN of the nearest telephone set at any time and their location is recorded at monitor station. If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations." In order to monitor security guards for check-in at a scheduled report-in location, it is understood that each report-in location is identified through placement of a call from a telephone at each report-in location. In this embodiment, the employee merely enters in his/her personal identification number (PIN); however, location is recorded at the monitor station, thereby

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indicating that the computer system in charge of employee tracking detects some type of data that indicates the origin of the telephone calls received from calling telephones located at various report-in sites);

a computer readable program code means for enabling said computer to receive, from the calling telephones, identification data associated with employee tracking (col. 13, lines 5-21 -- The employee enters his/her personal identification number (PIN) in order to identify him/herself to the employee tracking system via the calling telephones. The received location information also serves as identification data);

a computer readable program code means for enabling said computer to create telephone call records based on some of said telephone calls and stamping each of said telephone call records with a time (col. 13, lines 8-11 -- "Any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day." The recorded location and time of day exemplify telephone call records stamped with a time); and

[Claim 2] wherein said identification data is comprised of at least one employee identification datum and each said employee identification datum of said identification data respectively indicates at least one employee (col. 13, lines 5-18 -- The employee enters his/her personal identification number (PIN) in order to identify him/herself to the employee tracking system via the calling telephones);

[Claim 3] wherein said identification data indicates a work site (col. 13, lines 10-21).

As per claim 1, Oliver discloses a computer readable program code means for receiving identification data indicative of employee identification and/or employee location (col. 13, lines 10-21), yet Oliver does not expressly teach the verification of the identification data against reference data stored in a reference data base. In Oliver's personnel tracking embodiment, he provides the example of monitoring security guards making rounds. "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21). Since the security guard is expected to make rounds at certain "scheduled report-in locations," it is implied that the security guard is expected to visit certain locations at certain times or within given time periods. Effectively, by producing an alarm if the security guard "becomes overdue at any of his scheduled report-in locations," the security guard's personal identification and location are verified against these scheduled report-in locations. What is expressly missing from Oliver is the teaching that this reference data (e.g., the scheduled report-in location) is stored in a reference data base from which the identification data is verified. However, such a modification amounts to nothing more than mere automation of what Oliver already teaches. Official Notice is taken that it is old and well-known to automate tasks previously performed manually. Computer automation of a well-known manual task serves to more quickly, efficiently, and accurately process the task. Since Oliver's invention incorporates a computer system to automate many well-known employee monitoring functions, the Examiner asserts that it also would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the step of

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verifying identification data against reference data through use of "a computer readable program code means for enabling said computer to verify said identification data against reference data stored in a reference data base" in order to enable Oliver to more quickly, efficiently, and accurately process the task of verifying whether or not an employee, such as a security guard, has checked in at his/her scheduled report-in locations.

Regarding claims 1 and 4, Oliver discloses a computer readable program code means for enabling said computer to create telephone call records based on some of said telephone calls and stamping each of said telephone call records with a time (col. 13, lines 8-11 -- "Any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day." The recorded location and time of day exemplify telephone call records stamped with a time). Oliver does not expressly teach that these telephone call records are compiled to generate a report. However, Official Notice is taken that it is old and well-known in the art of employee time and attendance tracking to generate reports regarding the time and attendance record of various employees. These reports are typically used for payroll purposes as well as employee productivity evaluation. Oliver's invention too is concerned with monitoring the work habits of its employees (e.g., "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21)). Furthermore, Oliver explicitly states that his "system enters the time, telephone extension and PIN in the computer member for status, accounting or

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supervisory purposes" (col. 2, lines 43-45); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Oliver to incorporate a computer readable program code means for enabling said computer to generate a report containing information contained in some of said telephone call records, including data that indicates the origin of telephone calls (as per claims 1 and 4) in order to facilitate the collection of payroll data and productivity information for a group of employees.

Oliver discloses a computer software product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an applications program to execute on a computer, said computer readable program code means comprising:

[Claim 9] a computer readable program code means for enabling said computer to detect data that indicates the origin of telephone calls received by said computer from calling telephones located at various sites (col. 13, lines 10-21 -- "...his location is recorded at the monitor station... This is done by this system... In its normal use, covered personnel merely dial in their PIN of the nearest telephone set at any time and their location is recorded at monitor station. If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations." In order to monitor security guards for check-in at a scheduled report-in location, it is understood that each report-in location is identified through placement of a call from a telephone at each

report-in location. In this embodiment, the employee merely enters in his/her personal identification number (PIN); however, location is recorded at the monitor station, thereby indicating that the computer system in charge of employee tracking detects some type of data that indicates the origin of the telephone calls received from calling telephones located at various report-in sites);

a computer readable program code means for enabling said computer to receive, from the calling telephones, identification data associated with employee tracking (col. 13, lines 5-21 -- The employee enters his/her personal identification number (PIN) in order to identify him/herself to the employee tracking system via the calling telephones. The received location information also serves as identification data);

a computer readable program code means for enabling said computer to create telephone call records based on some of said received telephone calls and stamping each of said telephone call records with a time (col. 13, lines 8-11 -- "Any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day." The recorded location and time of day exemplify telephone call records stamped with a time).

As per claim 9, Oliver discloses a computer readable program code means for receiving identification data indicative of employee identification and/or employee location (col. 13, lines 10-21), yet Oliver does not expressly teach the verification of the identification data against valid work sites stored in a reference data base. In Oliver's personnel tracking embodiment, he provides the example of monitoring security guards

making rounds. "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21). Since the security guard is expected to make rounds at certain "scheduled report-in locations," it is implied that the security guard is expected to visit certain locations (i.e., valid work sites) at certain times or within given time periods. Effectively, by producing an alarm if the security guard "becomes overdue at any of his scheduled report-in locations," the security guard's personal identification and location are verified against these scheduled report-in locations. What is expressly missing from Oliver is the teaching that this valid work site data (e.g., the scheduled report-in location) is stored in a reference data base from which the identification data is verified. However, such a modification amounts to nothing more than mere automation of what Oliver already teaches. Official Notice is taken that it is old and well-known to automate tasks previously performed manually. Computer automation of a well-known manual task serves to more quickly, efficiently, and accurately process the task. Since Oliver's invention incorporates a computer system to automate many well-known employee monitoring functions, the Examiner asserts that it also would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the step of verifying identification data against valid work site data through use of "a computer readable program code means for enabling said computer to compare the indicated origin of each of said telephone calls with information associated with valid work sites that is stored in a reference data base" in order to enable Oliver to more quickly, efficiently, and accurately process the task of

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verifying whether or not an employee, such as a security guard, has checked in at his/her scheduled report-in locations (i.e., valid work sites).

Regarding claims 9 and 15, Oliver discloses a computer readable program code means for enabling said computer to create telephone call records based on some of said telephone calls and stamping each of said telephone call records with a time (col. 13, lines 8-11 -- "Any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day." The recorded location and time of day exemplify telephone call records stamped with a time). Oliver does not expressly teach that these telephone call records are compiled to generate a report. However, Official Notice is taken that it is old and well-known in the art of employee time and attendance tracking to generate reports regarding the time and attendance record of various employees. These reports are typically used for payroll purposes as well as employee productivity evaluation. Oliver's invention too is concerned with monitoring the work habits of its employees (e.g., "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21)). Furthermore, Oliver explicitly states that his "system enters the time, telephone extension and PIN in the computer member for status, accounting or supervisory purposes" (col. 2, lines 43-45); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Oliver to incorporate a computer readable program code means for enabling said computer to generate a report containing information contained in some of said

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telephone call records, including data that indicates the origin of telephone calls (as per claims 9 and 15) in order to facilitate the collection of payroll data and productivity information for a group of employees.

[Claim 17] Claim 17 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claims 18-20] Claims 18-20 recite limitations already addressed by the rejection of claims 1-4 above; therefore, the same rejection applies.

[Claim 25] Claim 25 recites limitations already addressed by the rejection of claim 9 above; therefore, the same rejection applies.

[Claim 26] Claim 26 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claim 27] Claim 27 recites limitations already addressed by the rejection of claim 9 above; therefore, the same rejection applies.

[Claim 28] Claim 28 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claim 29] Claim 29 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

8. Claims 5, 6, 10-13, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (U.S. Patent No. 4,839,917), as applied to claims 1, 9, and 17 above, in view of Thompson (U.S. Patent No. 5,109,399).

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[Claims 5, 6] Regarding claims 5 and 6, Oliver's system automatically detects the location of an employee calling in from a telephone connected to the system (as discussed in the rejection above), yet Oliver does not expressly teach that the origin of telephone calls is based on Automatic Number Identification (ANI) or Caller-ID. Clearly, Oliver establishes the importance of identifying an employee's location based on the telephone from which he/she has called in. For example, Oliver's "system enters the time, telephone extension and PIN in the computer member for status, accounting or supervisory purposes" (col. 2, lines 43-45). Oliver's system performs the automated location detection; Oliver simply does not provide extensive details regarding how such automated location detection is conducted. Thompson specifically provides details for carrying out automated location detection based on an identified calling location. One of the goals of Thompson's invention is "to provide a system for receiving emergency telephone calls which enables an operator to quickly and positively ascertain the location of the calling party" (col. 2, lines 7-10). Thompson utilizes Automatic Number Identification (ANI) technology to determine the location of the calling party (col. 3, lines 20-27, 42-44). As a matter of fact, Thompson's functionality is analogous to that of Oliver in the sense that Thompson too gathers sufficient identification data to identify the name and address of the caller (col. 3, lines 10-17) as well as the time and date of the call (col. 4, lines 61-65). The Automatic Number Identification (ANI) technology is especially useful for the speed and accuracy it facilitates when identifying the source of a call (and thus the location of the caller). Oliver's system also detects the location of an employee (i.e., caller) based on the location of the telephone from which the

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employee (i.e., caller) checks in; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Oliver's system to automatically detect the location of an employee by indicating the origin of telephone calls based on Automatic Number Identification (ANI) (as per claim 5) in order to more rapidly and accurately facilitate identification of the source of a call (and thus the location of the caller). Furthermore, as demonstrated in Thompson, ANI is not limited to an in-house telephone system; therefore, the modification of Oliver to utilize ANI technology would also yield the benefit of automatically tracking employees who are calling in from a telephone external to Oliver's in-house phone system. This would make Oliver's invention adaptable to tracking traveling employees, such as telephone service technicians, cable service installers, etc. As per claim 6, the Examiner asserts that Automatic Number Identification (ANI) is a type of Caller-ID; therefore, the rejection of claim 5 applies to claim 6 as well.

[Claims 10-13] Regarding claims 10-13, Oliver's system automatically detects the location of an employee calling in from a telephone connected to the system (as discussed in the rejection above). In reference to claim 9, the modified version of Oliver addresses the detection of the location of valid work sites as well, yet Oliver does not expressly teach that the origin of telephone calls or indication of valid work sites is based on Automatic Number Identification (ANI) or Caller-ID. Clearly, Oliver establishes the importance of identifying an employee's location based on the telephone from which he/she has called in. For example, Oliver's "system enters the time, telephone extension and PIN in the computer member for status, accounting or supervisory

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purposes" (col. 2, lines 43-45). Oliver's system performs the automated location detection; Oliver simply does not provide extensive details regarding how such automated location detection is conducted. Thompson specifically provides details for carrying out automated location detection based on an identified calling location. One of the goals of Thompson's invention is "to provide a system for receiving emergency telephone calls which enables an operator to quickly and positively ascertain the location of the calling party" (col. 2, lines 7-10). Thompson utilizes Automatic Number Identification (ANI) technology to determine the location of the calling party (col. 3, lines 20-27, 42-44). As a matter of fact, Thompson's functionality is analogous to that of Oliver in the sense that Thompson too gathers sufficient identification data to identify the name and address of the caller (col. 3, lines 10-17) as well as the time and date of the call (col. 4, lines 61-65). The Automatic Number Identification (ANI) technology is especially useful for the speed and accuracy it facilitates when identifying the source of a call (and thus the location of the caller). Oliver's system also detects the location of an employee (i.e., caller) based on the location of the telephone from which the employee (i.e., caller) checks in; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Oliver's system to automatically detect the location of an employee, or indication of valid work sites, by indicating the origin of telephone calls based on Automatic Number Identification (ANI) (as per claims 10 and 12) in order to more rapidly and accurately facilitate identification of the source of a call (and thus the location of the caller and the verification that he/she is calling from a valid work site). Furthermore, as

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demonstrated in Thompson, ANI is not limited to an in-house telephone system; therefore, the modification of Oliver to utilize ANI technology would also yield the benefit of automatically tracking employees who are calling in from a telephone external to Oliver's in-house phone system. This would make Oliver's invention adaptable to tracking traveling employees, such as telephone service technicians, cable service installers, etc. As per claims 11 and 13, the Examiner asserts that Automatic Number Identification (ANI) is a type of Caller-ID; therefore, the rejection of claims 10 and 12 applies to claims 11 and 13 as well.

[Claims 21-22] Claims 21 and 22 recite limitations already addressed by the rejection of claims 5 and 6 above; therefore, the same rejection applies.

9. Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (U.S. Patent No. 4,839,917) in view of Hedges (U.S. Patent No. 3,819,862).

Oliver discloses a computer software product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an applications program to execute on a computer, said computer readable program code means comprising:

[Claim 8] a computer readable program code means for enabling said computer to detect data that indicates the origin of telephone calls received by said computer from calling telephones located at various sites (col. 13, lines 10-21 -- "...his location is recorded at the monitor station... This is done by this system... In its normal use,

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covered personnel merely dial in their PIN of the nearest telephone set at any time and their location is recorded at monitor station. If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations." In order to monitor security guards for check-in at a scheduled report-in location, it is understood that each report-in location is identified through placement of a call from a telephone at each report-in location. In this embodiment, the employee merely enters in his/her personal identification number (PIN); however, location is recorded at the monitor station, thereby indicating that the computer system in charge of employee tracking detects some type of data that indicates the origin of the telephone calls received from calling telephones located at various report-in sites);

a computer readable program code means for enabling said computer to receive, from the calling telephones, identification data, wherein said identification data indicates an employee (col. 13, lines 5-21 -- The employee enters his/her personal identification number (PIN) in order to identify him/herself to the employee tracking system via the calling telephones);

a computer readable program code means for enabling said computer to create telephone call records based on some of said telephone calls and stamping each of said telephone call records with a time (col. 13, lines 8-11 -- "Any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day." The recorded location and time of day exemplify telephone call records stamped with a time).

As per claim 8, Oliver discloses a computer readable program code means for receiving identification data indicative of employee identification and/or employee location (col. 13, lines 10-21), yet Oliver does not expressly teach the verification of the identification data against reference data stored in a reference data base. In Oliver's personnel tracking embodiment, he provides the example of monitoring security guards making rounds. "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21). Since the security guard is expected to make rounds at certain "scheduled report-in locations," it is implied that the security guard is expected to visit certain locations at certain times or within given time periods. Effectively, by producing an alarm if the security guard "becomes overdue at any of his scheduled report-in locations," the security guard's personal identification and location are verified against these scheduled report-in locations. What is expressly missing from Oliver is the teaching that this reference data (e.g., the scheduled report-in location) is stored in a reference data base from which the identification data is verified. However, such a modification amounts to nothing more than mere automation of what Oliver already teaches. Official Notice is taken that it is old and well-known to automate tasks previously performed manually. Computer automation of a well-known manual task serves to more quickly, efficiently, and accurately process the task. Since Oliver's invention incorporates a computer system to automate many well-known employee monitoring functions, the Examiner asserts that it also would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the step of

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verifying identification data against reference data through use of "a computer readable program code means for enabling said computer to verify said identification data against reference data stored in a reference data base" in order to enable Oliver to more quickly, efficiently, and accurately process the task of verifying whether or not an employee, such as a security guard, has checked in at his/her scheduled report-in locations.

Regarding claim 8, Oliver teaches that alarm codes may be entered to identify a status condition at a particular location (col. 3, lines 3-6); however, Oliver does not expressly teach a computer readable program code means for receiving from the calling telephones computer compatible function codes indicative of whether said employee has arrived or is departing from a work site. Hedges makes up for this deficiency in its teaching of a system that allows hotel workers to connect a portable unit to a transmitter located in each hotel room (col. 4, lines 8-57). A room code identifying device is connected to the transmitter to identify the hotel room in which the worker is located (col. 4, lines 49-53). A hotel maid can also transmit information by entering a code (e.g., a button that activates a switch to communicate encoded information) indicating that he/she has either just started to clean a room or has finished cleaning the room (col. 12, lines 6-26). Both Oliver and Hedges are directed toward monitoring employee activity through pertinent work-related information transmitted via the telephone network; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Oliver to incorporate a computer readable program code means for receiving from the calling telephones

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computer compatible function codes indicative of whether said employee has arrived or is departing from a work site (as taught by Hedges) in order to more efficiently facilitate the tracking of employee whereabouts and progress, which is a goal suggested by Hedges (col. 1, lines 52-55) and is in line with Oliver's goal of creating a "system [that] enters the time, telephone extension and PIN in the computer member **for status, accounting or supervisory purposes**" (*emphasis added*, col. 2, lines 43-45).

Regarding claim 8, the Oliver-Hedges combination discloses a computer readable program code means for recording information contained in some of said telephone call records and information indicative of the arrival and departure time of said employee at said work site (as discussed above). The Oliver-Hedges combination does not expressly teach that these telephone call records are compiled to generate a report. However, Official Notice is taken that it is old and well-known in the art of employee time and attendance tracking to generate reports regarding the time and attendance record of various employees. These reports are typically used for payroll purposes as well as employee productivity evaluation. Oliver's invention too is concerned with monitoring the work habits of its employees (e.g., "If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations" (col. 13, lines 18-21)). Furthermore, Oliver explicitly states that his "system enters the time, telephone extension and PIN in the computer member for status, accounting or supervisory purposes" (col. 2, lines 43-45); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention

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to modify the Oliver-Hedges combination to incorporate a computer readable program code means for enabling said computer to generate a report containing information contained in some of said telephone call records and information indicative of the arrival and departure time of said employee at said work site in order to facilitate the collection of payroll data and productivity information for a group of employees.

[Claim 16] Claim 16 recites limitations already addressed by the rejections of claims 8 and 9 above; therefore, the same rejections apply.

[Claim 24] Claim 16 recites limitations already addressed by the rejection of claim 8 above; therefore, the same rejection applies.

ART REJECTION #2

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 8, 9, 15-20, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Automatic Time Monitor™ product, as disclosed in the following references:

(a) "Automatic Time Monitor" -- supplied by Applicant, but without a date

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(b) "Automatic Time Monitor: 1988-89 Manual" -- supplied by Applicant, dated 1988-89

(c) "The Automatic Time Monitor: Special Notice" -- supplied by Applicant, but without a date

(d) "ATM-2000™: The Automatic Time Monitor™ (Version 4)" -- supplied by Applicant, dated 1996

(e) "ATM-2000™: Automatic Time Monitor™ (Version 5)" -- supplied by Applicant, dated 1999

While Applicant has not provided a publication date for references (a) and (c), Applicant provided reference (b) with a handwritten note that the manual is dated 1988-89, which serves as valid prior art. Furthermore, references (d) and (e) both state that Automatic Time Monitor™ "was first developed in 1989" (see the last page of "ATM-2000™: The Automatic Time Monitor™ (Version 4)" as well as the last page of "ATM-2000™: Automatic Time Monitor™ (Version 5)"). Therefore, Examiner submits that the Automatic Time Monitor™ product was made public during or before 1989.

Automatic Time Monitor™ discloses a computer software product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an applications program to execute on a computer, said computer readable program code means comprising:

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[Claim 1] a computer readable program code means for enabling said computer to detect data that indicates the origin of telephone calls received by said computer from calling telephones located at various sites ((a) "Automatic Time Monitor": ¶¶ 1, 2, 7-10 - The employee enters codes corresponding to his/her location, employee number, check-in/check-out code, and job code classification; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

a computer readable program code means for enabling said computer to receive, from the calling telephones, identification data associated with employee tracking ((a) "Automatic Time Monitor": ¶¶ 1, 2, 7-10 -- The employee enters codes corresponding to his/her location, employee number, check-in/check-out code, and job code classification; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

a computer readable program code means for enabling said computer to create telephone call records based on some of said telephone calls and stamping each of said telephone call records with a time ((a) "Automatic Time Monitor": ¶ 2; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3); and

a computer readable program code means for enabling said computer to generate a report containing information contained in some of said telephone call records ((a) "Automatic Time Monitor": ¶ 2; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

[Claim 2] wherein said identification data is comprised of at least one employee identification datum and each said employee identification datum of said identification

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data respectively indicates at least one employee ((a) "Automatic Time Monitor": ¶¶ 2, 8-10; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

[Claim 3] wherein said identification data indicates a work site ((a) "Automatic Time Monitor": ¶¶ 2, 8-10; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

[Claim 4] wherein said report is based on said data that indicates the origin of telephone calls ((a) "Automatic Time Monitor": ¶¶ 2, 8-10; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3).

As per claim 1, Automatic Time Monitor™ discloses a computer readable program code means for receiving identification data indicative of employee identification and/or employee location (as discussed above), yet Automatic Time Monitor™ does not expressly teach the verification of the identification data against reference data stored in a reference data base. However, Automatic Time Monitor™ is used for payroll purposes and for increasing productivity ((a) "Automatic Time Monitor": ¶ 4; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3). Furthermore, the computer access code presumably corresponds to a predetermined location in order for the location code to be properly recognized by the system ((a) "Automatic Time Monitor": ¶¶ 8-10). Official Notice is taken that it is old and well-known in the art of employee monitoring to verify that each employee is actually working the specified hours at an assigned location(s). Furthermore, Official Notice is taken that it is old and well-known to automate tasks previously performed manually. Computer automation of a well-known manual task serves to more quickly, efficiently, and accurately process the

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task. Since Automatic Time Monitor™ incorporates a computer system to automate many well-known employee monitoring functions, the Examiner asserts that it also would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the step of verifying identification data against reference data through use of "a computer readable program code means for enabling said computer to verify said identification data against reference data stored in a reference data base" in order to enable Automatic Time Monitor™ to more quickly, efficiently, and accurately process the task of verifying whether or not an employee worked the required hours at authorized locations for purposes of productivity assessment as well as payroll processing.

[Claim 8] Claim 8 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

Furthermore, Automatic Time Monitor™ discloses:

a computer readable program code means for receiving from the calling telephones computer compatible function codes indicative of whether said employee has arrived or is departing from a work site ((a) "Automatic Time Monitor": ¶¶ 1, 2, 7-10 -- The employee enters codes corresponding to his/her location, employee number, check-in/check-out code, and job code classification; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3);

a computer readable program code means for enabling said computer to generate a report containing information contained in some of said telephone call

records and information indicative of arrival and departure time of said employee at said work site ((a) "Automatic Time Monitor": ¶¶ 1, 2, 7-10 -- The employee enters codes corresponding to his/her location, employee number, check-in/check-out code, and job code classification; (b) "Automatic Time Monitor: 1988-89 Manual": Page 3).

[Claims 9, 15] Claims 9 and 15 recite limitations already addressed by the rejection of claims 1 and 4 above; therefore, the same rejection applies.

[Claim 16] Claim 16 recites limitations already addressed by the rejections of claims 8 and 9 above; therefore, the same rejections apply.

[Claim 17] Claim 17 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claims 18-20] Claims 18-20 recite limitations already addressed by the rejection of claims 1-4 above; therefore, the same rejection applies.

[Claim 24] Claim 24 recites limitations already addressed by the rejection of claim 8 above; therefore, the same rejection applies.

[Claim 25] Claim 25 recites limitations already addressed by the rejection of claim 9 above; therefore, the same rejection applies.

[Claim 26] Claim 26 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claim 27] Claim 27 recites limitations already addressed by the rejection of claim 9 above; therefore, the same rejection applies.

[Claim 28] Claim 28 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

[Claim 29] Claim 29 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

12. Claims 5, 6, 10-13, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Automatic Time Monitor™ product, as disclosed in the following references:

- (a) "Automatic Time Monitor" -- supplied by Applicant, but without a date
- (b) "Automatic Time Monitor: 1988-89 Manual" -- supplied by Applicant, dated 1988-89
- (c) "The Automatic Time Monitor: Special Notice" -- supplied by Applicant, but without a date
- (d) "ATM-2000™: The Automatic Time Monitor™ (Version 4)" -- supplied by Applicant, dated 1996
- (e) "ATM-2000™: Automatic Time Monitor™ (Version 5)" -- supplied by Applicant, dated 1999, as applied to claims 1, 9, and 17 above,

in view of Thompson (U.S. Patent No. 5,109,399).

While Applicant has not provided a publication date for references (a) and (c), Applicant provided reference (b) with a handwritten note that the manual is dated 1988-89, which serves as valid prior art. Furthermore, references (d) and (e) both state that Automatic Time Monitor™ "was first developed in 1989" (see the last page of "ATM-2000™: The Automatic Time Monitor™ (Version 4)" as well as the last page of "ATM-

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2000™: Automatic Time Monitor™ (Version 5)”). Therefore, Examiner submits that the Automatic Time Monitor™ product was made public during or before 1989.

[Claims 5, 6] Regarding claims 5 and 6, Automatic Time Monitor™ automatically detects the location of an employee calling in from a telephone connected to the system (as discussed in the rejection above), yet Automatic Time Monitor™ does not expressly teach that the origin of telephone calls is based on Automatic Number Identification (ANI) or Caller-ID. Clearly, Automatic Time Monitor™ establishes the importance of identifying an employee's location based on the telephone from which he/she has called in; Automatic Time Monitor™ simply collects such data through manual entry of a computer access code reflecting a location. Thompson specifically provides details for carrying out automated location detection based on an identified calling location. One of the goals of Thompson's invention is "to provide a system for receiving emergency telephone calls which enables an operator to quickly and positively ascertain the location of the calling party" (col. 2, lines 7-10). Thompson utilizes Automatic Number Identification (ANI) technology to determine the location of the calling party (col. 3, lines 20-27, 42-44). As a matter of fact, Thompson's functionality is analogous to that of Automatic Time Monitor™ in the sense that Thompson too gathers sufficient identification data to identify the name and address of the caller (col. 3, lines 10-17) as well as the time and date of the call (col. 4, lines 61-65). The Automatic Number Identification (ANI) technology is especially useful for the speed and accuracy it facilitates when identifying the source of a call (and thus the location of the caller).

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Automatic Time Monitor™ also detects the location of an employee (i.e., caller); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Automatic Time Monitor™ to automatically detect the location of an employee by indicating the origin of telephone calls based on Automatic Number Identification (ANI) (as per claim 5) in order to more rapidly and accurately facilitate identification of the source of a call (and thus the location of the caller). Furthermore, as demonstrated in Thompson, ANI is not limited to an in-house telephone system; therefore, the modification of Automatic Time Monitor™ to utilize ANI technology would also yield the benefit of automatically tracking employees who are calling in from a telephone external to Automatic Time Monitor™'s in-house phone system. This would make Automatic Time Monitor™ adaptable to tracking traveling employees, such as telephone service technicians, cable service installers, etc. Further, the potential for an employee utilizing the modified Automatic Time Monitor™ to falsify his/her location would be minimized since it is more difficult to tamper with the location identification functions of Automatic Number Identification (ANI). As per claim 6, the Examiner asserts that Automatic Number Identification (ANI) is a type of Caller-ID; therefore, the rejection of claim 5 applies to claim 6 as well.

[Claims 10-13] Regarding claims 10-13, Automatic Time Monitor™ automatically detects the location of an employee calling in from a telephone at valid work sites (i.e., recognized as the computer access or building number) connected to the system (as discussed in the rejection above), yet Automatic Time Monitor™ does not expressly teach that the origin of telephone calls or indication of valid work sites is based on

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Automatic Number Identification (ANI) or Caller-ID. Clearly, Automatic Time Monitor™ establishes the importance of identifying an employee's location based on the telephone from which he/she has called in; Automatic Time Monitor™ simply collects such data through manual entry of a computer access code reflecting a location. Thompson specifically provides details for carrying out automated location detection based on an identified calling location. One of the goals of Thompson's invention is "to provide a system for receiving emergency telephone calls which enables an operator to quickly and positively ascertain the location of the calling party" (col. 2, lines 7-10). Thompson utilizes Automatic Number Identification (ANI) technology to determine the location of the calling party (col. 3, lines 20-27, 42-44). As a matter of fact, Thompson's functionality is analogous to that of Automatic Time Monitor™ in the sense that Thompson too gathers sufficient identification data to identify the name and address of the caller (col. 3, lines 10-17) as well as the time and date of the call (col. 4, lines 61-65). The Automatic Number Identification (ANI) technology is especially useful for the speed and accuracy it facilitates when identifying the source of a call (and thus the location of the caller). Automatic Time Monitor™ also detects the location of an employee (i.e., caller); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Automatic Time Monitor™ to automatically detect the location of an employee by indicating the origin of telephone calls or indication of valid work sites based on Automatic Number Identification (ANI) (as per claims 10 and 12) in order to more rapidly and accurately facilitate identification of the source of a call (and thus the location of the caller and the

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verification that he/she is calling from a valid work site). Furthermore, as demonstrated in Thompson, ANI is not limited to an in-house telephone system; therefore, the modification of Automatic Time Monitor™ to utilize ANI technology would also yield the benefit of automatically tracking employees who are calling in from a telephone external to Automatic Time Monitor™'s in-house phone system. This would make Automatic Time Monitor™ adaptable to tracking traveling employees, such as telephone service technicians, cable service installers, etc. Further, the potential for an employee utilizing the modified Automatic Time Monitor™ to falsify his/her location would be minimized since it is more difficult to tamper with the location identification functions of Automatic Number Identification (ANI). As per claims 11 and 13, the Examiner asserts that Automatic Number Identification (ANI) is a type of Caller-ID; therefore, the rejection of claims 10 and 12 applies to claims 11 and 13 as well.

[Claims 21-22] Claims 21 and 22 recite limitations already addressed by the rejection of claims 5 and 6 above; therefore, the same rejection applies.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Definition of "Caller ID" from Wikipedia {URL:

http://en.wikipedia.org/wiki/Caller_ID} -- Explains that Caller ID "originated with

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automatic number identification (ANI) in the U.S.” and that it is typically “transmitted digitally between the first and second rings” (¶¶ 1-2).

14. This Office action has an attached requirement for information under 37 C.F.R. § 1.105. A complete response to this Office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

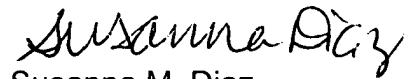
or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

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(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
September 15, 2004



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

37 CFR § 1.105 - Requirement for Information

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter. Applicant mentions their own product, Timeclerk™, in the specification. Examiner requests information regarding the release date of this product to the public. Examiner also requests any information regarding public disclosure of the product prior to Applicant's earliest priority date of May 29, 1990 (which may also include any disclosure of the product to contractors contacted to assist in design or implementation of the product as well as disclosure to the general public). Please document the features of this product as it existed more than one year prior to Applicant's earliest priority date of May 29, 1990, if applicable. In response to this requirement, please state the specific improvements of the claimed subject matter over Timeclerk™ as it existed more than one year prior to Applicant's earliest priority date of May 29, 1990, if applicable. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

2. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are

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included in the applicant's first complete communication responding to this requirement.

Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

4. This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 (THREE) months.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

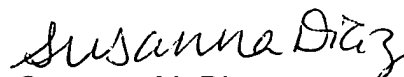
**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
September 14, 2004



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